IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6118 OF 2005

Mrs.Minaxi Kishor Mehta ...Applicant

V/s.

The State of Maharashtra & Ors. ...Respondents

Mr.H.P. Venegavkar i/b. Zohair & Co. for Applicant.
Mr.Y.S. Shinde APP for the State/Respondent No.1.
Mr.Atul Rajadyaksha Sr.Counsel i/b. A.S. Ramesan for Respondent No.3 and 4.

CORAM : V.M. KANADE, J.

DATED : 17th SEPTEMBER, 2007.

P.C:-

1. Heard learned counsel for the Applicant, learned APP for the Respondent No.1 and learned counsel for Respondent No.3 and 4.

2. Applicant is the original complainant who had filed complaint against the Respondent No.3 and 4 for the offences punishable U/s.405, 415, 416, 418, 420, 464 and 468 of IPC. The Applicant and Respondent No.3 and 4 are related. After father of the Applicant and Respondent No.3 was expired, it is alleged that the Respondent No.3 forged certain documents and as a result MIDC lodged F.I.R. for the offence punishable U/s.418, 464, and 468. The Trial Court granted bail to the Respondent No.3. Against this order present

application has been filed.

3. Learned counsel for the Applicant vehemently submitted that the bail granted by the Trial Court is liable to be set aside and it was granted mechanically without any application of mind. It is submitted that the interrogation of the Respondent No.3 and 4 is necessary for the purpose of finding out that true signatures were obtained. It is submitted that police have not investigated the case properly and they are Green Card Holder of the USA and therefore, they are likely to leave the country.

4. It is not possible to accept the submissions made by the learned counsel for the Applicant. In the first place, the Applicant has no locus to file an application for cancellation of bail since she is the original complainant. The State alone can file an application for cancellation of bail. Apart from this, no case, in my view, is made out for cancellation of bail which is granted by the Trial Court. It is a well settled position in law that normally once the bail is granted unless it is pointed out that the Respondents are likely to abscond or tamper with the evidence, it is not cancelled. Since no case is made out for cancellation of bail, application is dismissed.

5. Liberty is granted to the Applicant to file an application for purpose of seeking direction from this Court directing the Respondent No.1 to frame

charge U/s.467 of Cr.P.C. Needless to state that if such an application is filed, same may be disposed of accordingly.

. Criminal Application is disposed of accordingly.

V.M. KANADE, J.